

TECHNICAL ADVISORY

DIVISION OF MOTORIST SERVICES



To: Tax Collectors and License Plate Agents	
Subject: 2012 Legislative Changes Which Effect Division of Motorist Services BIO Procedures	
Advisory Date: 12/14/12	Implementation Date: January 1, 2013
Advisory Number: R12-16	

The 2012 Legislature passed House Bill 1223 resulting in changes to motor vehicle and driver license laws, which become effective January 1, 2013.

House Bill 1223 amends:

Various sections and subsections of 319.14, F.S., adding the terms custom vehicles and street rod vehicles.

Sections 319.14(3)(c)11 and 12, F.S., adding/revising definitions for custom vehicle and street rod.

This will require a Florida brand of either custom vehicle or street rod for those vehicles that meet the definitions of either a custom vehicle or a street rod. We are adding two new brands, Street Rod and Custom Vehicle, to the list of possible Florida brands. A vehicle must pass an inspection before either brand will be added.

Only vehicles branded as Custom Vehicle will be eligible to use the reg-use of CV (Custom Vehicle) and carry a Custom Vehicle license plate. Similarly, only vehicles branded as Street Rod will be eligible to use the reg-use of SR (Street Rod) and carry a street rod license plate.

We are revising procedures RS-25, RS-28, and TL-06 to include new definitions for custom and street rod vehicles. We are creating a new title procedure, TL-69 Custom Vehicle and Street Rod, for two new types of Florida brands, instructing how to brand and title these vehicles. We are revising form HSMV 82040 adding a checkbox for Custom and Street Rod to Section 3 Brands, Usage, and Type.

Section 319.23(6)(a), F.S., adding the language “after consummation of the sale” in regards to filing the application for a title, corrected title, assignment, or reassignment of the mobile home to the purchaser.

We are revising TL-11 to include this language.

Section 319.23, F.S., creating subsection (7)(a-d), which allows the department to accept a bond when an applicant for a certificate of title is unable to provide a title assigning the prior owner’s interest in the vehicle to the applicant. This section provides the terms and conditions for an applicant to secure a bond and the requirements of the bond. We are adding a new brand of Bonded Title to the list of possible Florida brands. This brand may be added to the title of all vehicle types except vessel, mobile home, and off-highway vehicle. This brand will be removed systematically after 3 years.

We are developing a new procedure, TL-70, Bonded Title, creating two new forms HSMV 82026, Affidavit to Accompany Application for Bonded Title, and HSMV 82033, Title Surety Bond for a Motor Vehicle, and revising form HSMV 82040 adding a checkbox for Bonded Title to Section 3 Brands, Usage, and Type.

Section 319.24(8), F.S., and Section 328.16(4), F.S., where there is more than one lien or encumbrance on a vehicle, mobile home, or vessel making it mandatory for the department to electronically transmit the lien to the first lienholder and notify the lienholder of any additional liens. Additionally, the lienholder is required to electronically transmit subsequent lien satisfactions to the department and include the name and address of the person or entity satisfying the lien. This requires lienholders to be ELT participants unless they are individuals who don't normally engage in the business of financing vehicles.

We are revising TL-32 and TL-33 to include this language.

Section 319.27, F.S., creating subsection (7), and Section 328.15, F.S., creating subsection (5)(b), requiring the department to establish and administer an electronic titling program (ELT) for the electronic recording of vehicle and vessel title information for new, transferred, and corrected certificates of title. Lienholders who regularly engage in the business or practice of financing vehicles are required to be ELT participants and electronically transmit liens and lien satisfactions to the department in a prescribed format. Individuals and businesses that only occasionally make a lien are not required to be an ELT participant. An ELT exception reason is required whenever a lien is added using a non-ELT participant. Lien processing on titles with existing liens will also require an ELT Exception reason for each existing lien held by a non-ELT lienholder.

We are revising TL-11 and TL-32 to include this language. Additionally, the department sent an Information Advisory dated August 9, 2012, notifying all lienholders and stakeholders of Florida's Electronic Lien and Title (ELT) Program, which provides valuable information about this program and helpful website links. This document is attached and may be accessed at the following link: [ELT-LHStakeholderNotificationAdvisory.pdf](#)

Section 319.40(2), F.S., and Section 328.30(2), F.S., authorizing the department to issue an electronic certificate of title instead of printing a paper title. All titles with liens will be retained electronically. If an ELT exception reason was used, the title will still be electronic even though the lien is a non-ELT lien. Additionally, all titles without liens will default to electronic unless the customer explicitly chooses to have the title printed.

We are revising TL-10, TL-11, and TL-32 to include this language. We are revising form HSMV 82040, Application for Certificate of Title With/Without Registration to allow the owner to request to have the title printed.

Section 319.40(3), F.S., authorizing the department to collect electronic mail addresses and use electronic mail as a notification method with an exception. Any notice regarding the potential forfeiture or foreclosure of an interest in property must be sent via the United States Postal Service.

We are revising TL-10 to include this language.

Section 320.01(1)(a), F.S., adding the language "special mobile equipment as defined in s. 316.003(48)" and the term "swamp buggies."

We are revising TL-25 to include this language.

Section 320.02 (2)(a)2, F.S., exempting a vehicle registrant who is an active duty member of the Armed Forces of the United States and a Florida resident from the requirement to provide the street address of a permanent residence in Florida.

We are revising RS-01, RS-02, RS-25, TL-10, and the cover letter for the military package, Information on Applying for a Florida Title and Purchasing or Transferring a Florida License Plate, to include this language.

Section 320.02(5)(e), F.S., requiring insurance companies to provide notice to the department at the same time the cancellation notice is provided to the policyholder as indicated in s. 627.7281, F.S. This process will be transparent. However, a procedural change, which removes the 30-day cancellation notice language is no longer required on any document for registration purposes. See [R12-15](#) for additional information.

We are revising RS-33 to include this language.

Sections 320.02(15)(o) and (r), F.S., creating a voluntary contribution for Florida Association of Food Banks, Inc. and Take Stock in Children, Inc., respectively. This legislation requires the application forms for motor vehicle registration and registration renewal to include language permitting the applicant to make a voluntary contribution to these organizations.

We are revising RS-59 and Fees-02 Chart, Motor Vehicle/Mobile Home Registration Fees and Flat Tax Distribution Chart to include these voluntary contribution organizations.

Section 320.02(18), F.S., requiring the department to retain all electronic registration records for at least 10 years.

We are revising RS-01 to include this language.

Section 320.0605(1), F.S., requiring the vehicle operator to possess the registration certificate or a true copy of rental or lease documentation while the vehicle is being used or operated on the roads of this state. This legislation provides the specific rental or lease documentation that is sufficient to satisfy this requirement.

We are revising RS-53 to include this language and the specific lease documentation requirements.

Section 320.08056(11), F.S., adding “an elected member or employee of the Legislature,” as those who may not be marketed to, lobbied, entertained, or rewarded from the annual use fee from the sale of specialty license plates, interest earned from those fees, or any fees received by an agency as a result of the sale of specialty license plates.

We are revising RS-22 to include this language.

Section 320.08058(35)(b), F.S., changing the allocation of the annual use fees from the sales of the Florida Golf license plates given to the Dade Amateur Golf Association from 10 to 15 percent.

We are revising RS-22 to change this distribution percentage language.

Section 320.08068(4)(e), F.S., removing the specific use information for the distribution of fees from Motorcycle specialty license plate sales to the Florida Association of Centers for Independent Living.

We are revising RS-22 to remove this information.

Sections 320.0807(1) and (2), F.S., changing the names of special license plates for federal and state legislators to **Official Congress** (federal legislators), **Official House**, and **Official Senate** (state legislators).

Section 320.0807, F.S., creating subsection (6)(a). authorizing the department to issue a special license plate to a former member of the U.S. Congress, a Florida State Senator, or Representative stamped **Retired Congress**, **Retired Senate**, or **Retired House**, respectively and as appropriate for a vehicle owned by the former member upon payment of the fees prescribed by s. 320.0805 and a one-time fee of \$500. These special plates are all personalized on regular sheeting with an appropriate logo and limited to five characters. No specialty plate or amateur radio sheeting is allowed. Only the department may reserve and issue these plates; however, tax collector offices and license plate agencies may process renewals and transfers.

We are revising RS-13 to include these new plates and name changes. These plates will not be available on January 1, 2013. We are eliminating form HSMV 83109, Application for Legislative License Plate. For information and application instructions, applicants may contact the department’s Office of Legislative Affairs at (850) 617-3195.

Section 320.0807, F.S., creating subsection (6)(b), establishing the requirements of serving at least 4 years for a former member of Congress, state senator, or state representative in order to qualify for a Retired Congress, Retired Senate, or Retired House prestige license plate.

Section 320.0807, F.S., creating subsection (6)(c), establishing distribution of the one-time fee of \$500. Four hundred and fifty dollars of these funds will go to the citizen support organization for the Legislative Research Center and Museum at the Capitol. The remaining \$50 will be deposited into the Highway Safety Operating Trust Fund.

Section 320.0807, F.S., creating subsection (7), authorizing the department to create a unique plate design for plates to be used by members or former members of the Legislature or Congress as provided in subsections (2), (5), and (6).

We are revising RS-13 to include the above information for Sections 320.0807, (6)(b), (c), and (7).

Section 320.13, F.S., creating subsection (1)(c), authorizing a dealer of heavy trucks as defined in s. 320.01(10), upon payment of the license tax imposed by s. 320.08(12), to be issued one or more dealer license plates for use on vehicles owned by the dealer. These plates are issued to the dealer while the heavy trucks are in inventory, for sale, and being used only in Florida and for demonstration purposes only. The license plates may be used for a period not to exceed 24 hours and must be validated on a department form. This form must be retained in the vehicle while it is being operated.

We are revising RS-26 to include this information and creating a new form HSMV 82084, Dealer Plates for Heavy Trucks for demonstration Purposes.

Section 320.95, F.S., creating subsection (2), Section 322.08, F.S., creating subsection (8), and Section 328.30(3), F.S., authorizing the department to collect electronic mail addresses and use electronic mail instead of the United States Postal Service for providing renewal notices.

We are revising RS-01, RS-02, and TL-32 to include this information; however, the department will not begin collecting this data for driver licenses on January 1, 2013.

Section 322.04(c), F.S., and creates subsections (c)(1) and (2), which exempt a nonresident at least 16 years of age from obtaining a driver license if the nonresident operating a vehicle requiring a Class E driver license has in immediate possession a valid noncommercial driver license in his or her name from another U.S. state or territory or an International Driving Permit in his/her name in his/her resident country and a valid license issued in that country.

Section 322.051(9), F.S., providing authority to issue a no charge identification card to individuals who present satisfactory evidence that they are homeless as defined in s. 414.0252(7).

The release Alert will provide additional details about this item.

Section 322.065, F.S., increasing the expiration timeframe on a person's driver license, punishable under s. 318.18, from four months or less to six months or less. This will not affect the issuance of a driver license unless the customer is given a citation.

Section 322.08(2), F.S., authorizing the department to require applicants with non-immigrant classification to produce documentation providing proof of continuous lawful presence.

Section 322.121(5), F.S., authorizing the department to grant members of the armed forces an automatic extension for the expiration of their Class E license.

We are updating the Driver License Operations Manual.

Section 322.14(1)(a), F.S., eliminating the requirement for holders of a Class A, B, or C commercial driver license to appear in person during renewal of the CDL credential.

The department is not ready to process CDL holders using a convenience method; therefore, we will continue to handle their renewals in a field issuance office until further notice.

House Bill 1223 creates Sections 322.1415, F.S., and 322.21(i), F.S., authorizing the department to issue specialty driver licenses or identification cards that bear the logo of Florida based colleges, universities, professional sports teams, and the U.S. military. The cost to have a logo added to an individual's credential will be \$25 and will follow the same guidelines of s. 320.08062 and s. 320.08058. This section is repealed August 31, 2016.

The department has received interest from approximately 20 organizations; however, the effort will not be ready in January of 2013. The department anticipates deploying this later in the year.

Section 322.19, F.S., presuming that any person who has a valid, current student identification card issued by an educational institution in this state has not changed their legal residence or mailing address. Students are not required to make application for a change of address if they meet the requirements in this statute.

Section 322.251, F.S., providing that suspension notices for financial responsibility sanctions are complete 15 days after they have been sent/postmarked via the U.S. mail.

Section 322.27, F.S., authorizing the department to suspend or revoke an identification card if it is determined that the card was obtained fraudulently.

August 9, 2012

To: All Stakeholders and Lienholders

From: Clayton Boyd Walden, Director
Division of Motorist Services

Information Advisory – Florida Electronic Lien and Title (ELT) Program

By January 1, 2013, all individuals and businesses that finance vehicles to be titled in Florida must be electronically connected to Florida DHSMV in order to perfect their liens and receive titles electronically. Any lenders not connected to Florida DHSMV by that deadline risk rejection of their requests to record liens on Florida vehicle and vessel titles.

During the 2012 legislative session, House Bill 1223 was passed requiring lienholders to electronically transmit liens and lien satisfactions to the department. The law requires mandatory participation by lenders, with the exception of individual lienholders and businesses that are not normally engaged in the practice of financing vehicles and vessels.

Lenders will need to contract with a Florida DHSMV approved service provider in order to make the ELT connection with DHSMV. There is a potential for several thousand lenders to enter Florida's ELT Program over the next few months, so DHSMV advises lienholders not to wait until the last minute to contract with a service provider. Go to the following link for a list of approved providers:

<http://www.flhsmv.gov/html/dmv/ELTcontacts.html>

In order to begin the ELT application process, lenders need to go to DHSMV's official website at: www.flhsmv.gov. Select 'Handle It Online' and in the drop down box select 'All Options'; then on the left side of the page select Electronically Maintained Titles. Download and complete form HSMV 82150, *Application and Notice of Interest Electronic Lien and Title Process*. Each lender must complete form HSMV 82150 and forward it to the service provider of their choice.

When the lender has contracted with the service provider and installed the necessary computer hardware and software, the HSMV 82150 will be forwarded to DHSMV with a request for a startup date. Lenders who do not allow adequate time to accomplish the required steps before January 1, 2013 will risk rejection of title applications received by DHSMV after that date.

DHSMV will provide frequent updates and Frequently Asked Questions (FAQ's) related to the ELT Program on its website. Also, if you have any questions in reference to the ELT program, you may contact us via email at E-LienInfo@flhsmv.gov.